

## § 1047.23

performed for members and nonmembers. These records shall contain:

- (1) The date of the shipment,
- (2) The names and addresses of the consignor and consignee,
- (3) The origin and destination of the shipment,
- (4) A description of the articles in the shipment,
- (5) The weight or volume of the shipment,
- (6) A description of the equipment used either by unit number or license number and, in the event this equipment is nonowned, the name and address of its owners and drivers,
- (7) The total charges collected,
- (8) A copy of all leases executed by the cooperative association or federation of cooperative associations to obtain equipment to perform transportation under 49 U.S.C. 10526(a)(5),
- (9) Whether the transportation performed is:
  - (i) Member transportation,
  - (ii) Nonmember transportation for nonmembers who are farmers, cooperative associations, or federations thereof,
  - (iii) Other nonmember transportation, and if of class (iii), how the transportation was incidental and necessary as defined in § 1047.21(a).

[43 FR 2397, Jan. 17, 1978, as amended at 45 FR 45524, July 3, 1980]

### § 1047.23 Notice to the Commission.

A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are not farmers, cooperative associations, or federations of cooperative associations, under 49 U.S.C. 10526(a)(5) and (c) (which transportation is not otherwise exempt under Subchapter II, Chapter 105, Subtitle IV of Title 49 of the United States Code) shall notify the Commission of its intent to perform transportation. Notification shall be given prior to the commencement of operations and shall be in the form, contain the information, and be served in the manner called for in Form BOp 102. Notice must be filed with the Commission annually, within 30 days of its annual meeting. Following the receipt of a properly completed Form BOp 102, the information will be published in

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the FEDERAL REGISTER and put in a central file at the Commission, as public notice of the intent of the agricultural cooperative association or federation of cooperative associations to conduct interstate for-hire transportation for nonmembers under 49 U.S.C. 10526(a)(5). The information requested is of a continuing nature, and any changes in the information concerning officers, directors, and location of transportation records in the notice on file shall be brought to the Commission's attention by the filing of a supplemental form BOp 102 within 30 days of the change. Forms which are incomplete or not properly notarized will be rejected.

[45 FR 45525, July 3, 1980]

### PARTIAL EXEMPTION FOR AGRICULTURAL COMMODITIES, LIVESTOCK AND FISH

#### § 1047.25 Commodities that are not exempt under 49 U.S.C. 10526(a)(6).

Section 10526(a)(6) of the recodified Interstate Commerce Act (49 U.S.C. 10526(a)(6)) provides an exemption from regulation for motor vehicles used in carrying ordinary livestock, fish, and unmanufactured agricultural commodities. Certain specific commodities have been statutorily determined to be non-exempt. Administrative Ruling No. 133, which is reproduced below, is a list of those commodities that are non-exempt by statute.

#### ADMINISTRATIVE RULING No. 133

#### LIST OF COMMODITIES THAT ARE NOT EXEMPT BY STATUTE UNDER 49 U.S.C. 10526(a)(6)

*Animal fats*  
*Butter*  
*Canned fruits and vegetables*  
*Carnauba wax as imported in slabs or chunks*  
*Cattle, slaughtered*  
*Charcoal*  
*Cheese*  
*Coal*  
*Cocoa beans*  
*Coffee, beans, roasted, or instant*  
*Copra meal*  
*Cotton yarn*  
*Cottonseed cake or meal*  
*Diatomaceous earth*  
*Dinners, frozen*  
*Feeds:*  
*Alfalfa meal*  
*Alfalfa pellets*  
*Beet pulp*  
*Bran shorts*

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Copra meal	Linseed
Corn gluten	Peanut
Distilled corn grain residues, with or without solubles added	Soybean
Fish meal	<i>Meat and meat products, fresh, frozen or canned</i>
Hominy feed	<i>Milk and Cream:</i>
Middlings	Chocolate
Pelletized ground refuse screenings	Condensed
Wheat bran	Sterilized in hermetically sealed cans
Wheat shorts	<i>Molasses</i>
<i>Fertilizer, commercial</i>	<i>Nuts (including peanuts):</i>
<i>Fish:</i>	Peanut meal
Canned or salted as a treatment for preserving	Roasted or boiled
Cooked or partially cooked fish or shrimp, frozen or unfrozen	<i>Oil, mint</i>
Hermetically sealed in containers as a treatment for preserving	<i>Oil, extracted from vegetables, grain, seed, fish or other commodity</i>
Oil from fishes	<i>Pelts</i>
Preserved, or treated for preserving, such as smoked, salted, pickled, spiced, corned or kippered	<i>Pies, frozen</i>
<i>Flagstone</i>	<i>Pigeons, racing</i>
<i>Flaxseed meal</i>	<i>Pulp, beet</i>
<i>Flour</i>	<i>Pulp, sugar cane</i>
<i>Forest products:</i>	<i>Rock (except natural crushed, vesicular rock to be used for decorative purposes)</i>
Resin products, such as turpentine	<i>Rubber, crude, in bales</i>
<i>Fruits and Berries:</i>	<i>Rubber, latex, natural, liquid, from which water has been extracted and to which ammonia has been added</i>
Bananas, fresh, dried, dehydrated, or frozen	<i>Sand</i>
Canned	<i>Seeds:</i>
Frozen	Oil extracted from seeds
Hulls of oranges after juice extractions	<i>Skins, animal</i>
Juice, fruit, plain or concentrated	<i>Soil, potting</i>
Pies, frozen	<i>Soil, top</i>
Preserved, such as jam	<i>Soup, frozen</i>
Purees, strawberry and other, frozen	<i>Sugar</i>
<i>Grains:</i>	<i>Sugar cane pulp</i>
Oils extracted from grain	<i>Sugar raw</i>
Popcorn, popped	<i>Syrup, cane</i>
Rice, precooked	<i>Syrup, maple</i>
Wheat germ	<i>Tea</i>
<i>Gravel</i>	<i>Tobacco:</i>
<i>Hair, hog or other animal, product of slaughter of animal</i>	Cigars and cigarettes
<i>Hay, sweetened with 3 percent molasses by weight</i>	Homogenized
<i>Hemp fiber</i>	Smoking
<i>Hides, green and salted</i>	<i>Top Soil</i>
<i>Insecticides</i>	<i>Trees:</i>
<i>Limestone, agricultural</i>	Sawed into lumber
<i>Livestock:</i>	<i>Vegetables:</i>
Monkeys	Candied sweet potatoes, frozen
Race horses	Canned
Show horses	Cooked
Zoo animals	French fried potatoes
<i>Lumber, rough sawed or planed</i>	Oil, extracted from vegetables
<i>Maple syrup</i>	Soup, frozen
<i>Meal:</i>	Soybean meal
Alfalfa	<i>Wool imported from a foreign country</i>
Copra	<i>Wool tops and noils</i>
Cottonseed	<i>Wool waste (carded, spun, woven, or knitted)</i>
Fish	<i>Wool yarn</i>
Flaxseed	<i>Note 1: Under 49 U.S.C. 10526(a)(6)(D), any listed fish or shellfish product that is not intended for human consumption is exempt.</i>

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*Note 2:* Under 49 U.S.C. 10526(a)(6)(E), any listed livestock feed, poultry feed, agricultural seeds, or plants that are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production is *exempt*

[53 FR 17707, May 18, 1988]

### PARTIAL EXEMPTION FOR MOTOR TRANSPORTATION OF PASSENGERS INCIDENTAL TO TRANSPORTATION BY AIRCRAFT

#### **§ 1047.45 Motor transportation of passengers incidental to transportation by aircraft.**

(a) *Passengers having an immediately prior or subsequent movement by air.* The transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft provided (1) that it is confined to the transportation of passengers who have had or will have an immediately prior or immediately subsequent movement by air and (2) that the zone within which motor transportation is incidental to transportation by aircraft, except as it may be individually determined as provided in section (c) herein, shall not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart and by the boundaries of the commercial zones (as defined by the Commission) of any municipalities any part of whose commercial zones falls within the 25-mile radius of the pertinent airport.

(b) *Substituted motor-for-air transportation due to emergency conditions.* Transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft if it constitutes substituted motor-for-air service performed at the expense of the air carrier in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the air carrier.

(c) *Individual determination of exempt zones.* Upon its own motion or upon petition filed by any interested person, the Interstate Commerce Commission may in an appropriate proceeding, determine whether the area within which the transportation by motor vehicle of

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passengers having an immediately prior or subsequent movement by air must be performed, in order to come within the provisions of paragraph (a) of this section, should be individually determined with respect to any particular airport or city served by an airport, and whether there should be established therefor appropriate boundaries differing in extent from this defined in paragraph (a)(2) of this section.

(d) *Exempt zones and operations—(1) Dulles and Baltimore-Washington International Airports.* The transportation by motor vehicle, in interstate or foreign commerce, of passengers, having an immediately prior or subsequent movement by air, between Dulles International Airport, near Chantilly, Va., and Baltimore-Washington International Airport, near Baltimore, Md., is partially exempt from regulation under section 203(b)(7a) of the Interstate Commerce Act.

(2) *Savannah, Ga., Airport.* The transportation by motor vehicle, in interstate or foreign commerce, of passengers, having an immediately prior or subsequent movement by air, between Savannah, Ga., Airport and all points on Hilton Head Island, SC, is partially exempt from regulation under section 203(b)(7a) of the Interstate Commerce Act (49 U.S.C. 303).

(3) *Chicago O'Hare International Airport (Chicago, Ill.).* The transportation by motor vehicle, in interstate or foreign commerce, of passengers, having an immediately prior or subsequent movement by air, between O'Hare International Airport, at Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 30 and on and west of Indiana Highway 49, is partially exempt from regulation under section 203(b)(7a) of the Interstate Commerce Act (49 U.S.C. 303).

[32 FR 20036, Dec. 20, 1967, as amended at 37 FR 5252, Mar. 11, 1972; 42 FR 10003, Feb. 18, 1977; 42 FR 15705, Mar. 23, 1977]

### PART 1048—COMMERCIAL ZONES

#### Sec.

- 1048.1 Albany, N.Y.
- 1048.2 Beaumont, Tex.
- 1048.3 Charleston, S.C.
- 1048.4 Charleston, W. Va.